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before the forum of reason, and the civilized world will proceed to business in spite of them. To-day it is not so much the form of government that people care for as it is the kind of government which is meted out to them. Economical questions have taken the place of mere political problems, the discussion of which, in these latter days, has assumed a mere academical character. The true friends of arbitration in this country — and who to-day is not included in this collective term? — are for a closer acquaintance with the nations of the world, on the theory that to know each other better is to better understand each other, and on the basis of a mutual respectful understanding the peace of the world will be best secured. To-day nothing contributes more to this desirable end than the annual meetings of the Interparliamentary Union, to which I desired, in these few remarks, to direct the attention of the House. [Prolonged applause on both sides of the Chamber.]

Why the Decisions of the Hague Tribunal are and will be Obeyed.

BY SIMEON E. BALDWIN, LL.D.,

Associate Justice, Supreme Court of Errors of Connecticut, and Professor of Constitutional and Private International Law, Yale University.

If fifty years ago it had been predicted that, at the beginning of this century, an American would give the Queen of Holland a million and a half to build and furnish a courthouse at her capital, it would have been thought a wild prophecy of a foolish act. By such a gift, however, a stately building is soon to be constructed at The Hague, and Andrew Carnegie never put money to a better use. By this act he has strengthened the foundations on which international justice is now being built up. They are intangible and ideal foundations. But the ideal is not the unreal. The causes of human action in large affairs lie deep. We do best, in studying them, to follow the lead of Plato and St. Paul and "look not at the things which are seen, but at the things which are not seen; for the things which are seen are temporal, but the things which are not seen are eternal."

Human nature is so constituted that grand edifices make a deep impression on the mind. They give dignity to the use for which they are erected. They awake attention to what those uses are and mean. They give permanence to the feeling of which they are the expression. A splendid palace feeds the sentiment of loyalty; a great cathedral that of devotion; a stately courthouse that of reverence for justice administered by human tribunals.

Feeling takes a deeper hold of men than reason. Doubly is this true when the feeling is a reasonable one. Laws and institutions all rest ultimately on public sentiment for their support. If in any progressive nation it be a blind sentiment of imperfect civilization, it will change, and they will change; if it be an enlightened sentiment, in harmony with right reason, it will not change, and in essentials they will not change.

The character of the international proceedings that centre at The Hague is often misunderstood. It is a court that is to sit in this new palace of justice; a body composed not of arbitrators, but of judges.

Arbitration is the decision of a controversy, not by judicial methods, but according to the notions which those who make it entertain as to what, on the whole, is a reasonable mode of settlement, under the circumstances of the particular case. The personality of the arbitrators counts for much. Their relations to the parties are apt to have some influence upon their action. They are generally selected after the controversy has arisen; each side choosing one whom it thinks likely to lean its way, and these two a third as umpire.

On the other hand, a judicial tribunal before which a cause is brought is commonly made up of men appointed before the dispute commenced; and its judgment, if fairly rendered by competent men, after ascertaining the facts, applies to them fixed, certain, and inexorable rules of law. It is of no consequence whether these bear harshly on one of the contending parties. Whatever under these rules is the logical result follows with the certainty of syllogistic reasoning.

The Hague tribunal created by the Convention of 1899 is a court of justice. Its judges are appointed in advance of any controversy that is to come before it. In their selection the whole civilized world has a share. It differs from other high courts mainly in that it is higher; so high that it has no means of compelling the execution of its judgments, and that it needs none.

It is seldom that the judgments of any civil court require to be enforced by the power of the government. It is enough that the losing party knows that there is such a power behind it. There is also a certain reverence for law, which comes less from a feeling of its latent force than from the innermost conviction of every man that it is the best human expression of what is right between one man and another.

The judgments of the Hague tribunal cannot fail to appeal to this spirit of reverence in man, and the appeal will be stronger still when they are pronounced from a seat of justice between nations, housed in a splendid palace, built by a private citizen as a gift to the world.

But they have another and deeper hold upon the parties to them. These have both voluntarily agreed to submit their controversy to a decision of this kind. In ordinary lawsuits one party is summoned before the court without his consent and probably against his will. Before an international tribunal nations appear only by mutual agreement. Hence they come under a double obligation. They break faith if they refuse to abide by the decision which they have invoked.

The Hague tribunal became possible only when international law had obtained a position of assured authority and had been so far developed and extended as to cover, directly or by the help of analogy, most cases of dispute likely to arise between independent powers. Laws precede courts.

It became possible only, also, when general respect for the principles of justice in dealings between nations had become a rule of national and international action, supported and demanded by public opinion throughout the civilized world. The nineteenth century did not close before this became an accomplished fact. A means was thus secured for the execution of any decree which the Hague tribunal might pass, or of the awards rendered in any proceeding of international arbitration.

For a nation to make itself a party to such a contro-

versy, and then to decline to abide by the decision, would be such a breach of public faith as would shock the moral sense of civilized mankind. There is a punishment for such an infamy which is not to be escaped. It is one of those natural consequences of wrongdoing which are the most severe as they are the most inevitable. It is a punishment without a termination. "Nations," as was said at the meeting of the International Law Association in Rouen in 1900, "live long; they may suffer long. Men may escape remorse on earth, at least, by suicide; after earth it may be by pardon. But no divine mercy awaits the nation that has proved itself unworthy; and its perpetuity of existence keeps it forever at the bar of public opinion. History is the Judge, and it is the history of the world of which the greatest power forms so small a part. The record of conviction is not hastily made up, but once registered, it can never be effaced."*

The decisions thus far rendered by the Court at The Hague, though felt by the losing party to work serious hardships, have been obeyed to the letter. It may be confidently expected that all which may follow will be, also. To an ordinary court the sheriff and his posse form a necessary background, though commonly held in reserve and seldom used. An international court, dealing with nations, has behind it a greater power—the pledge of public faith. As, to quote the words of Junius, private credit is wealth, so public honor is security.

A Business Plea for Peace.

BY SIR THOMAS BARCLAY.

An address given at Peterborough, England, January 17.

Miss Peckover has challenged me to tell you about the commercial side of the question. I will do so gladly. There is a very intimate connection between a nation's prosperity and peace. It has been said over and over again that the sinews of war are money. Well, the sinews of money are peace, so it is a sort of vicious circle—to fight you must have peace.

We only have to go back over a number of years and look at the daily newspapers to see how things have worked out in peace and in war. There is no better indication of the state of trade and of general prosperity than the advertisement columns of a newspaper. Look at the newspapers of to-day. There are only very few that have any advertisements to speak of at all, and what are those advertisements? Mostly advertisements for employment. That is not a very satisfactory sign. Look at the advertisements of a few years ago, when we were in a state of peace all round. Why, that great monument of journalism, *The Times*, had, I should think, something like twelve pages of advertisements; it has two or three now. I cannot understand the policy of the great newspaper proprietors, who, by pin pricking a foreign nation, ruin themselves. I should think the first thing for a newspaper proprietor to do is to select his politics, and adopt those which will produce most advertisements. It shows a very self-denying spirit on the part of certain newspapers that they are willing to forego advertisements and profits in order to stir up other nations to increase

their armaments to fight us. That is what several of the newspapers in London do. I am sorry to say there are newspapers in other countries that do that—that have that self-denying spirit which is so laudable in most things. Perhaps they have not looked over their advertisement columns for the last few years as I have done. Since this was pointed out a few weeks ago, however, I have noticed a marked change in the tone of the London newspapers; I think they must have taken a look at their advertisement columns and compared the results of peace and war on the commercial proceeds of their papers, because there is just now a milder tone on the part of the London papers towards foreign countries.

I am not prepared to say that to study one's interest is a bad thing. You can calculate with people's interest, but you cannot calculate with people's sentiment. You can make up your financial forecast if you take into consideration what people will do on account of their interest, but you cannot make up your budget where you have to take into account what people will do for sentiment. Peace is a business interest. That is the doctrine I have tried to lay before the minds of business men, not with any exaggerated idea of what would be the consequences, but because business men feel very strongly the effect of war. Many of us have to pay income tax, and you know the time was when sevenpence in the pound was considered a very heavy rate, but we think nothing of a shilling nowadays. That is one result of war. We are not at war with anybody at present, but we are paying a war rate, and that is not the only thing we are paying, but we are not a party gathering here and I won't enter into that question. Miss Peckover, Mr. Collier, and the Chairman all referred to the spirit of peace which at present seems to prevail everywhere. Parliamentary candidates, it seems, have to promise that they will support a peace policy. Well, that is a very good thing. The candidates of the party who are going out are also pledged to peace. That is a very good thing.

The King has pledged himself to peace. That is a splendid thing. Lord Lansdowne is pledged to peace—that is a good thing, and I have heard a certain gentleman speaking in favor of peace who was supposed to be the cause of the Boer War ["Oh! oh!"]. I have heard him get up at a famous dinner in the House of Commons and deliver his message of peace to the world. What is the meaning of all this keenness to figure as advocates of peace? It is because we feel the effect of war; we have gone through it and we know what it is, and an object lesson is far better than all the theory you can conjure up. How has this come about? How is it that leading people are taking trouble in explaining that they are in favor of peace? It is not because Ministers of State went down to the country and showed magic lantern slides [laughter]; nor because diplomats delivered magnificent orations in favor of friendly relations with foreign countries—I have heard a speech in quite a contrary sense from a diplomatist. It is not because the newspapers have been stirring us up to peace, as they have sometimes stirred us up to war. It is simply because the business men of the country don't approve of war any more.

You remember that we were all going to boycott the French Exhibition of 1900 because the French had passed some not very flattering comments upon the war

*Report of the International Law Association for 1900, p. 59.